

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,) CR. NO. 05-00077 DAE
)
Plaintiff,) DECLARATION OF COUNSEL
)
vs.)
)
GAVIN A. H. KALAI,)
)
Defendant.)
)

DECLARATION OF COUNSEL

I, SHANLYN A. S. PARK, hereby declare as follows:

1. That I am counsel for defendant, Gavin A. H. Kalai, having been appointed pursuant to the Criminal Justice Act.
2. On March 7, 2006, Mr. Kalai called counsel and informed me that his grandmother, Lily Lani Montaldo had passed away. Mr. Kalai would like to attend her funeral.
3. The family has made arrangements with Affordable Casket Company located at 1150 Kikowaena Street to allow a private viewing and visitation with his grandmother on March 17, 2006, between 2:30 p.m. and 2:45 p.m.

4. Counsel contacted the United States Marshals Service regarding transporting Mr. Kalai to a private viewing and visitation with his grandmother. Deputy Marshal Wayne Kalima stated that the U.S. Marshals Service would object to escorting Mr. Kalai to any funeral services given Mr. Kalai has a prior criminal record for violence.

5. Given the U.S. Marshals Service objection, Mr. Kalai respectfully requests that he be released from federal custody for a period of four (4) hours on March 17, 2006, with conditions that the Court deems appropriate. During the four-hour release period, as a condition of release, Mr. Kalai would be escorted to and from the private viewing and visitation by an investigator with the Office of the Federal Public Defender.

6. That the facts and statements set forth in the foregoing document are true and correct to the best of my knowledge and belief.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED: Honolulu, Hawaii, March 9, 2006.

/s/ Shanlyn A.S. Park
SHANLYN A. S. PARK
Attorney for Defendant
GAVIN A. H. KALAI

